

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
NPCR, Inc. d/b/a Nextel)	FCC Public Notice DA 03-2330
Partners (Nextel) Petition for Designation)	
as an Eligible Telecommunications)	
Carrier in the State of Alabama)	
_____)	

COMMENTS OF CENTURYTEL, INC.

CenturyTel, Inc. ("CenturyTel") hereby responds to the Commission's Public Notice seeking comment on the above-referenced petition by Nextel for designation as a competitive eligible telecommunications carrier (CETC) in rural and non-rural areas of Alabama (the "Petition").¹ In 2002 CenturyTel's subsidiary CenturyTel of Alabama, LLC acquired all of Verizon's exchanges in the state of Alabama, and began operations as the local exchange carrier (LEC) in two of the study areas listed in Nextel's Petition.² While these were characterized by the prior operator as non-rural study areas, they are less dense than most of the areas of the state served by BellSouth; a majority of the wire centers serve fewer than 5,000 lines, and many serve fewer than 1,000 lines.

Nextel correctly states that the State of Alabama has declined jurisdiction over commercial mobile radio service (CMRS) providers. Nextel asks this Commission to designate it as a CETC in certain "Designated Areas" served by rural and non-rural LECs in the state

¹ FCC Public Notice in CC Docket 96-45, DA 03-2330 (July 16, 2003), 68 Fed. Reg. 47563 (Aug. 11, 2003).

² The affected wire centers listed in the Petition as "Verizon Wire Centers (SACs 205281 and 250293)" are actually CenturyTel of Alabama wire centers. *See* Petition, Attachment 1.

where Nextel is already providing service. Nextel does not expressly state in its petition that it will serve the study areas of these LECs in their entirety, either using its own facilities or a combination of its own facilities and resale of another carrier's services, as required by the Communications Act and the FCC's rules.³ It is not clear whether Nextel is requesting a redefinition of some or all of the rural service areas pursuant to Section 214(e)(5) of the Act. Nextel states that the public interest will be served by this designation because many of the areas in which Nextel seeks designation "are not presently served by competitive wireline carriers that could provide an alternative to the incumbent LEC."⁴ Nextel does not state how many CMRS carriers already serve customers in those markets, however, nor does Nextel state that it will use the requested support to offer CMRS to customers who currently cannot receive such service.

CenturyTel believes grant of the Nextel Petition would be premature. Several petitions have been filed with this Commission seeking clarification of the standards for designating and supporting CETCs, and requesting *inter alia* that the designation process be made uniform.⁵ Further, the Commission has before it a number of requests to modify rural service areas for CETCs that do not desire to serve the entire study area of the rural LEC on whose federal universal support they desire to draw.⁶ The Commission has referred to the

³ 47 U.S.C. §214(e)(5); 47 C.F.R. §54.201(d)(1).

⁴ Petition at 7.

⁵ See, e.g., *Wireline Competition Bureau Seeks Comment on ACS of Fairbanks, Inc., Petition for Declaratory Ruling and Other Relief*, CC Docket 96-45, FCC Public Notice DA 02-1853 (rel. Aug. 1, 2002); National Telecommunications Cooperative Ass'n, Petition for Expedited Rulemaking, FCC Public Notice Rep. No. 2567 (rel. Aug. 8, 2002).

⁶ See, e.g., *Wireline Competition Bureau Seeks Comments on the Minnesota Public Utilities Commission's Petition to Redefine Rural Telephone Company Service in the State of Minnesota*, FCC Public Notice in CC Docket 96-45, DA 03-2641 (rel. Aug. 12, 2003); *Pleading Cycle Established for Comments Regarding Applications for Review of Orders Designating Eligible Telecommunications Carriers in the State of Alabama*, FCC Public

Federal-State Joint Board on Universal Service a series of questions about the appropriate standards for CETC designations, including whether it is appropriate to grant support to CETCs that do not plan to serve the entire study area served by the incumbent LEC, or do not offer the same basic local calling plan or comparable quality dial-tone services as the LEC.⁷

The Nextel petition, like many similar petitions by CMRS carriers, does not propose to bring any “new competition” to the market but rather seeks a windfall in federal support for doing exactly what the carrier is doing today without support. CenturyTel disagrees with the premise of Nextel’s petition, that federal support should be available to any carrier providing any kind of telecommunications service in a high-cost area, regardless of whether such carrier is able and willing to serve as a substitute for the incumbent LEC in all respects, including service availability throughout the study area, service quality, network reliability, and pricing. CenturyTel has filed extensive comments in this docket⁸ and given testimony to the Joint Board on this subject,⁹ and respectfully refers the Commission to that record. The Commission should postpone decision on this and similar petitions recently received by the Commission so it may benefit from the recommendations of the Joint Board in the pending rulemaking proceeding.

Notice in CC Docket 96-45 (rel. Jan. 10, 2003); *Pleading Cycle Established for Comments on Proceeding Regarding the Definition of the Rural Service Areas of Two Rural Telephone Companies in the State of Colorado*, FCC Public Notice in CC Docket 96-45, DA 03-26 (rel. Jan. 7, 2003).

⁷ *Federal-State Joint Board on Universal Service*, Order in CC Docket 96-45, FCC 02-307 (Nov. 8, 2002) (referring issues to the Joint Board); *see also Federal-State Joint Board Seeks Comment on Certain of the Commission’s Rules Relating to High-Cost Universal Service Support and the ETC Designation Process*, Public Notice in CC Docket 96-45, 18 FCC Rcd 1941 (2003) (“Joint Board Notice”).

⁸ Comments of CenturyTel, Inc., CC Docket 96-45, filed May 5, 2003; Reply Comments of CenturyTel, Inc., CC Docket 96-45, filed June 3, 2003.

⁹ Prepare Testimony of Jeff Glover, Vice President of CenturyTel, Inc., on Behalf of Independent Telephone & Telecommunications Alliance, Before the Federal-State Joint Board on Universal Service, CC Docket 96-45, filed July 22, 2003.

Deferring a decision for the brief period until the Commission receives the Joint Board's recommendations will help ensure that the Commission does not designate any CETC that would not meet the standards subsequently promulgated, nor send misleading signals to the market that a CETC will receive support and subsequently modify the basis on which such support is granted.

Respectfully submitted,

CENTURYTEL, INC.

A handwritten signature in dark ink, appearing to read "Karen Brinkmann", written over a horizontal line.

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